1   Rule 62. Stay of proceedings to enforce a judgment.

2   (a) Stay upon entry of judgment. Execution or other proceedings to enforce a judgment may

3   issue immediately upon the entry of the final judgment, unless the court in its discretion and on

4   such conditions for the security of the adverse party as are proper, otherwise directs.

5   (b) Stay on motion for new trial or for judgment. In its discretion and on such conditions for

6   the security of the adverse party as are proper, the court may stay the execution of, or any

7   proceedings to enforce, a judgment pending the disposition of a motion for a new trial or to alter

8   or amend a judgment made pursuant to Rule 59, or of a motion for relief from a judgment or

9   order made pursuant to Rule 60, or of a motion for judgment in accordance with a motion for a

10   directed verdict made pursuant to Rule 50, or of a motion for amendment to the findings or for

11   additional findings made pursuant to Rule 52(b).

12   (c) Injunction pending appeal. When an appeal is taken, from an interlocutory order or final

13   judgment granting, dissolving, or denying an injunction, the court in its discretion may suspend,

14   modify, restore, or grant an injunction during the pendency of the appeal upon such conditions as

15   it considers proper for the security of the rights of the adverse party.

16   (d) Stay upon appeal. When an appeal is taken, the appellant by giving a supersedeas bond ~~or~~

17   ~~other form of security~~ may obtain a stay ~~throughout the course of all appeals or discretionary~~

18   ~~reviews~~, unless such a stay is otherwise prohibited by law or these rules. The bond ~~or other form~~

19   ~~of security~~ may be given at or after the time of filing the notice of appeal. The stay is effective

20   when the supersedeas bond ~~or other form of security~~ is approved by the court. ~~In cases brought~~

21   ~~under any legal theory in which the amount or value of the judgment exceeds $5,000,000,~~

22   ~~including cases involving individual, aggregated, class action, or otherwise joined claims, the~~

23   ~~amount of the bond required collectively of all appellants may not exceed $25,000,000, and the~~

24   ~~bond or other form of security required of any single appellant may not exceed the lesser of (1)~~

25   ~~$5,000,000 plus 10% of the judgment award, or (2) $25,000,000, regardless of the amount of the~~

26   ~~judgment. The court may require an appellant to execute a bond in an amount up to the total~~

27   ~~amount of the judgment if an appellant whose bond or other form of security has been limited is~~

28   ~~dissipating assets outside the ordinary course of business to avoid payment of a judgment.~~

29   (e) Stay in favor of the state, or agency thereof. When an appeal is taken by the United

30   States, the state of Utah, or an officer or agency of either, or by direction of any department of

31   either, and the operation or enforcement of the judgment is stayed, no bond, obligation, or other

32   security shall be required from the appellant.

33   (f) Stay in quo warranto proceedings. Where the defendant is adjudged guilty of usurping,

34   intruding into or unlawfully holding public office, civil or military, within this state, the

35   execution of the judgment shall not be stayed on an appeal.

36   (g) Power of appellate court not limited. The provisions in this rule do not limit any power of

37   an appellate court or of a judge or justice thereof to stay proceedings or to suspend, modify,

38   restore, or grant an injunction, or extraordinary relief or to make any order appropriate to

39   preserve the status quo or the effectiveness of the judgment subsequently to be entered.

40   (h) Stay of judgment upon multiple claims. When a court has ordered a final judgment on

41   some but not all of the claims presented in the action under the conditions stated in Rule 54(b),

42   the court may stay enforcement of that judgment until the entering of a subsequent judgment or

43   judgments and may prescribe such conditions as are necessary to secure the benefit thereof to the

44   party in whose favor the judgment is entered.

45   (i) Form of supersedeas bond; deposit in lieu of bond; waiver of bond; jurisdiction over

46   sureties to be set forth in undertaking.

47   (i)(1) A supersedeas bond given under Subdivision (d) may be either a commercial bond

48   having a surety authorized to transact insurance business under Title 31A, or a personal bond

49   having one or more sureties who are residents of Utah having a collective net worth of at least

50   twice the amount of the bond, exclusive of property exempt from execution. Sureties on personal

51   bonds shall make and file an affidavit setting forth in reasonable detail the assets and liabilities of

52   the surety.

53   (i)(2) Upon motion and good cause shown, the court may permit a deposit of money in court

54   or other security to be given in lieu of giving a supersedeas bond under Subdivision (d).

55   (i)(3) The parties may by written stipulation waive the requirement of giving a supersedeas

56   bond under Subdivision (d) or agree to an alternate form of security.

57   (i)(4) A supersedeas bond given pursuant to Subdivision (d) shall provide that each surety

58   submits to the jurisdiction of the court and irrevocably appoints the clerk of the court as the

59   surety's agent upon whom any papers affecting the surety's liability on the bond may be served,

60   and that the surety's liability may be enforced on motion and upon such notice as the court may

61   require without the necessity of an independent action.

62   (j) Objecting to sufficiency or amount of security. Any party whose judgment is stayed or

63   sought to be stayed pursuant to Subdivision (d) may object to the sufficiency of the sureties on

64   the supersedeas bond or the amount thereof, or to the sufficiency or amount of other security

65   given to stay the judgment by filing and giving notice of such objection. The party so objecting

66   shall be entitled to a hearing thereon upon five days notice or such shorter time as the court may

67   order. The burden of justifying the sufficiency of the sureties or other security and the amount of

68   the bond or other security, shall be borne by the party seeking the stay. The fact that a

69   supersedeas bond, its surety or other security is generally permitted under this rule shall not be

70   conclusive as to its sufficiency or amount.

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